

Union Calendar No. 194

106TH CONGRESS
1ST SESSION

H. R. 2679

[Report No. 106-333]

A BILL

To amend title 49, United States Code, to establish the National Motor Carrier Administration in the Department of Transportation, to improve the safety of commercial motor vehicle operators and carriers, to strengthen commercial driver's licenses, and for other purposes.

SEPTEMBER 24, 1999

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

AUGUST 3, 1999

Mr. SHUSTER (for himself, Mr. OBERSTAR, Mr. PETRI, and Mr. RAHALL) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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To amend title 49, United States Code, to establish the National Motor Carrier Administration in the Department of Transportation, to improve the safety of commercial motor vehicle operators and carriers, to strengthen commercial driver's licenses, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Motor Carrier Safety Act of 1999”.

4 (b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Purposes.

TITLE I—NATIONAL MOTOR CARRIER ADMINISTRATION

Sec. 101. Establishment of National Motor Carrier Administration.

Sec. 102. Motor carrier safety strategy.

Sec. 103. Revenue aligned budget authority.

Sec. 104. Additional funding for motor carrier safety grant program.

Sec. 105. Motor carrier safety advisory committee.

Sec. 106. Effective date.

TITLE II—COMMERCIAL MOTOR VEHICLE AND DRIVER SAFETY

Sec. 201. Disqualifications.

Sec. 202. CDL school bus endorsement.

Sec. 203. Requirements for State participation.

Sec. 204. State noncompliance.

Sec. 205. 24-hour staffing of telephone hotline.

Sec. 206. Checks before issuance of driver’s licenses.

Sec. 207. Border staffing standards.

Sec. 208. Minimum and maximum assessments.

Sec. 209. Study of commercial motor vehicle crash causation and data improvement.

5 **SEC. 2. FINDINGS.**

6 Congress makes the following findings:

7 (1) The current rate, number, and severity of
8 crashes involving motor carriers in the United States
9 are unacceptable.

10 (2) The number of Federal and State commer-
11 cial motor vehicle and operator inspections is too low
12 and the number and size of civil penalties for viola-
13 tors must be sufficient to establish a credible deter-
14 rent to future violations.

1 (3) The Department of Transportation takes
2 too long to complete statutorily mandated rule-
3 making proceedings on motor carrier safety and, in
4 some significant safety rulemaking proceedings, in-
5 cluding driver hours-of-service regulations, extensive
6 periods have elapsed without progress toward resolu-
7 tion or implementation.

8 (4) Too few motor carriers undergo compliance
9 reviews and the Department's data bases and infor-
10 mation systems require substantial improvement to
11 enhance the Department's ability to target inspec-
12 tion and enforcement resources toward the most se-
13 rious safety problems and to improve States' ability
14 to keep dangerous drivers off the roads.

15 (5) There needs to be a substantial increase in
16 appropriate facilities and personnel in international
17 border areas to ensure that commercial motor vehi-
18 cles, drivers, and carriers comply with United States
19 safety standards.

20 (6) The Department should rigorously avoid
21 conflicts of interest in research awards in Federally
22 funded research.

23 (7) Unless meaningful measures to improve
24 safety are implemented expeditiously, projected in-

1 creases in vehicle-miles traveled will raise the num-
2 ber of crashes, injuries, and fatalities even higher.

3 (8) Wisely used additional funding and per-
4 sonnel are essential to the Department's ability to
5 improve its research, rulemaking, oversight, and en-
6 forcement activities related to commercial motor ve-
7 hicles, operators, and carriers.

8 **SEC. 3. PURPOSES.**

9 The purposes of this Act are—

10 (1) to improve the administration of the Fed-
11 eral motor carrier safety program and to establish a
12 National Motor Carrier Administration in the De-
13 partment of Transportation; and

14 (2) to reduce the number and severity of large-
15 truck involved crashes through more commercial
16 motor vehicle and operator inspections and motor
17 carrier compliance reviews, stronger enforcement
18 measures against violators, expedited completion of
19 rulemaking proceedings, scientifically sound re-
20 search, and effective commercial driver's license test-
21 ing, recordkeeping and sanctions.

1 **TITLE I—NATIONAL MOTOR**
2 **CARRIER ADMINISTRATION**

3 **SEC. 101. ESTABLISHMENT OF NATIONAL MOTOR CARRIER**
4 **ADMINISTRATION.**

5 (a) IN GENERAL.—Chapter 1 of title 49, United
6 States Code, is amended by adding at the end the fol-
7 lowing:

8 **“§ 113. National Motor Carrier Administration**

9 “(a) IN GENERAL.—The National Motor Carrier Ad-
10 ministration shall be an administration of the Department
11 of Transportation.

12 “(b) SAFETY AS HIGHEST PRIORITY.—In carrying
13 out its duties, the Administration shall consider the as-
14 signment and maintenance of safety as the highest pri-
15 ority, recognizing the clear intent, encouragement, and
16 dedication of Congress to the furtherance of the highest
17 degree of safety in motor carrier transportation.

18 “(c) ADMINISTRATOR.—The head of the Administra-
19 tion shall be the Administrator who shall be appointed by
20 the President, by and with the advice and consent of the
21 Senate. The Administrator shall report directly to the Sec-
22 retary of Transportation.

23 “(d) DEPUTY ADMINISTRATOR.—The Administration
24 shall have a Deputy Administrator appointed by the Sec-
25 retary, with the approval of the President. The Deputy

1 Administrator shall carry out duties and powers pre-
2 scribed by the Administrator.

3 “(e) CHIEF SAFETY OFFICER.—The Administration
4 shall have an Assistant National Motor Carrier Adminis-
5 trator appointed in the competitive service by the Sec-
6 retary, with the approval of the President. The Assistant
7 Administrator shall be the Chief Safety Officer of the Ad-
8 ministration. The Assistant Administrator shall carry out
9 the duties and powers prescribed by the Administrator.

10 “(f) REGULATORY OMBUDSMAN.—The Administra-
11 tion shall have a Regulatory Ombudsman appointed by the
12 Administrator. The Secretary and the Administrator shall
13 each delegate to the Ombudsman such authority as may
14 be necessary for the Ombudsman to expedite rulemaking
15 proceedings to comply with statutory and internal depart-
16 mental deadlines, including authority to—

17 “(1) make decisions to resolve disagreements
18 between officials in the Administration who are par-
19 ticipating in a rulemaking process; and

20 “(2) ensure that sufficient staff are assigned to
21 rulemaking projects to meet all deadlines.

22 “(g) OFFICES OF PASSENGER VEHICLE SAFETY,
23 CONSUMER AFFAIRS, AND INTERNATIONAL AFFAIRS.—
24 The Administration shall have an Office of Passenger Ve-

1 hicle Safety, an Office of Consumer Affairs, and an Office
2 of International Affairs.

3 “(h) POWERS AND DUTIES.—The Administrator
4 shall carry out—

5 “(1) duties and powers related to motor car-
6 riers or motor carrier safety vested in the Secretary
7 by chapters 5, 51, 55, 57, 59, 133 through 149,
8 311, 313, and 315; and

9 “(2) additional duties and powers prescribed by
10 the Secretary.

11 “(i) LIMITATION ON TRANSFER OF POWERS AND DU-
12 TIES.—A duty or power specified in subsection (h)(1) may
13 only be transferred to another part of the Department
14 when specifically provided by law.

15 “(j) EFFECT OF CERTAIN DECISIONS.—A decision of
16 the Administrator involving a duty or power specified in
17 subsection (h)(1) and involving notice and hearing re-
18 quired by law is administratively final.

19 “(k) CONSULTATION.—The Administrator shall con-
20 sult with the Federal Highway Administrator and with the
21 National Highway Traffic Safety Administrator on mat-
22 ters related to highway and motor carrier safety.”.

23 (b) ADMINISTRATIVE EXPENSES.—Section 104(a)(1)
24 of title 23, United States Code, is amended—

1 (1) in paragraph (1) by redesignating subpara-
2 graphs (A) and (B) as clauses (i) and (ii), respec-
3 tively, and by moving the text of such clauses 2 ems
4 to the right;

5 (2) in paragraph (1) by striking “exceed 1½
6 percent of all sums so made available, as the Sec-
7 retary determines necessary—” and inserting
8 “exceed—

9 “(A) 1⅙ percent of all sums so made
10 available, as the Secretary determines nec-
11 essary—”;

12 (3) by striking the period at the end of para-
13 graph (1)(A)(ii) (as redesignated by paragraphs (1)
14 and (2) of this subsection) and inserting “; and”
15 and the following:

16 “(B) ⅓ of one percent of all sums so made
17 available, as the Secretary determines nec-
18 essary, to administer the provisions of law to be
19 financed from appropriations for motor carrier
20 safety programs and motor carrier safety re-
21 search.”; and—

22 (4) by adding at the end the following:

23 “(4) LIMITATION ON TRANSFERABILITY.—Un-
24 less expressly authorized by law, the Secretary may
25 not transfer any sums deducted under paragraph (1)

to a Federal agency or entity other than the Federal Highway Administration and the National Motor Carrier Administration.”.

(c) CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The analysis for chapter 1 of title 49, United States Code, is amended by adding at the end the following:

“113. National Motor Carrier Administration.”.

(2) FEDERAL HIGHWAY ADMINISTRATION.—

Section 104 of title 49, United States Code, is amended—

(A) in subsection (c)—

(i) by striking the semicolon at the end of paragraph (1) and inserting “; and”;

(ii) by striking paragraph (2); and

(iii) by redesignating paragraph (3) as paragraph (2);

(B) by striking subsection (d); and

(C) by redesignating subsection (e) as subsection (d).

(d) POSITIONS IN EXECUTIVE SERVICE.—

(1) ADMINISTRATOR.—Section 5314 of title 5, United States Code, is amended by inserting after

“Administrator of the National Highway Traffic Safety Administration.”

1 the following:

2 “Administrator of the National Motor Carrier
3 Administration.”.

4 (2) DEPUTY AND ASSISTANT ADMINISTRA-
5 TORS.—Section 5316 of title 5, United States Code,
6 is amended by inserting after

7 “Deputy Administrator of the National High-
8 way Traffic Safety Administration.”

9 the following:

10 “Deputy Administrator of the National Motor
11 Carrier Administration.

12 “Assistant National Motor Carrier Adminis-
13 trator.”.

14 (e) CONFLICTS OF INTEREST.—

15 (1) COMPLIANCE WITH REGULATION.—In
16 awarding any contract for research, the National
17 Motor Carrier Administrator shall comply with sec-
18 tion 1252.209–70 of title 48, Code of Federal Regu-
19 lations, as in effect on the date of enactment of this
20 section. The Administrator shall require that the
21 text of such section be included in any request for
22 proposal and contract for research made by the Ad-
23 ministrator.

24 (2) STUDY.—

1 (A) IN GENERAL.—The Administrator
2 shall conduct a study to determine whether or
3 not compliance with the section referred to in
4 paragraph (1) is sufficient to avoid real or per-
5 ceived conflicts of interest in contracts for re-
6 search awarded by the Administrator and to
7 evaluate whether or not compliance with such
8 section unreasonably delays or burdens the
9 awarding of such contracts.

10 (B) CONSULTATION.—In conducting the
11 study under this paragraph, the Administrator
12 shall consult, as appropriate, with the Inspector
13 General of the Department of Transportation,
14 the Comptroller General, the heads of other
15 Federal agencies, research organizations, indus-
16 try representatives, employee organizations,
17 safety organizations, and other entities.

18 (C) REPORT.—Not later than 18 months
19 after the date of enactment of this Act, the Ad-
20 ministrator shall submit to Congress a report
21 on the results of the study conducted under this
22 paragraph.

23 **SEC. 102. MOTOR CARRIER SAFETY STRATEGY.**

24 (a) SAFETY GOALS.—In conjunction with existing
25 strategic planning efforts, the Secretary of Transportation

1 shall develop a long-term strategy for improving commer-
2 cial motor vehicle, operator, and carrier safety. The strat-
3 egy shall include an annual plan and schedule for achiev-
4 ing, at a minimum, the following goals:

5 (1) Reducing the number and rates of crashes,
6 injuries, and fatalities, involving commercial motor
7 vehicles.

8 (2) Improving the consistency and effectiveness
9 of commercial motor vehicle, operator, and carrier
10 enforcement and compliance programs.

11 (3) Identifying and targeting enforcement ef-
12 forts at high-risk commercial motor vehicles, opera-
13 tors, and carriers.

14 (4) Improving research efforts to enhance and
15 promote commercial motor vehicle, operator, and
16 carrier safety and performance.

17 (b) CONTENTS OF STRATEGY.—

18 (1) MEASURABLE GOALS.—The strategy and
19 annual plans under subsection (a) shall include, at
20 a minimum, specific numeric or measurable goals
21 designed to achieve the strategic goals of subsection
22 (a). The purposes of the numeric or measurable
23 goals are as follows:

24 (A) To increase the number of inspections
25 and compliance reviews to ensure that all high-

1 risk commercial motor vehicles, operators, and
2 carriers are examined.

3 (B) To eliminate, with meaningful safety
4 measures, the backlog of rulemakings.

5 (C) To improve the quality and effective-
6 ness of data bases by ensuring that all States
7 and inspectors accurately and promptly report
8 complete safety information.

9 (D) To eliminate, with meaningful civil
10 and criminal penalties for violations, the back-
11 log of enforcement cases.

12 (E) To provide for a sufficient number of
13 Federal and State safety inspectors, and pro-
14 vide adequate facilities and equipment, at inter-
15 national border areas.

16 (2) RESOURCE NEEDS.—In addition, the strat-
17 egy and annual plans shall include estimates of the
18 funds and staff resources needed to accomplish each
19 activity. Such estimates shall also include the staff
20 skills and training needed for timely and effective
21 accomplishment of each goal.

22 (c) SUBMISSION WITH THE PRESIDENT'S BUDG-
23 ET.—Beginning with fiscal year 2001 and each fiscal year
24 thereafter, the Secretary shall submit to Congress the

1 strategy and annual plan at the same time as the Presi-
2 dent's budget submission.

3 (d) ANNUAL PERFORMANCE.—

4 (1) ANNUAL PERFORMANCE AGREEMENT.—For
5 each of fiscal years 2001 through 2003, the fol-
6 lowing officials shall enter into annual performance
7 agreements:

8 (A) The Secretary and the National Motor
9 Carrier Administrator.

10 (B) The Administrator and the Deputy
11 National Motor Carrier Administrator.

12 (C) The Administrator and the Chief Safe-
13 ty Officer of the National Motor Carrier Ad-
14 ministration.

15 (D) The Administrator and the Regulatory
16 Ombudsman of the Administration.

17 (2) GOALS.—

18 (A) IN GENERAL.—Each annual perform-
19 ance agreement shall set forth measurable orga-
20 nization and individual goals for each lower
21 ranking official referred to in paragraph (1).

22 (B) ADMINISTRATOR, DEPUTY ADMINIS-
23 TRATOR, AND CHIEF SAFETY OFFICER.—The
24 performance agreements entered into under
25 paragraphs (1)(A), (1)(B), and (1)(C) shall in-

1 clude the numeric or measurable goals of sub-
2 section (b).

3 (C) REGULATORY OMBUDSMAN.—The per-
4 formance agreement entered into under para-
5 graph (1)(D) shall include goals in key oper-
6 ational areas, including promptly completing
7 rulemaking proceedings and complying with
8 statutory and internal departmental deadlines.

9 (3) PROGRESS ASSESSMENT.—No less fre-
10 quently than semiannually, the Secretary shall as-
11 sess the progress of each lower ranking official re-
12 ferred to in paragraph (1) toward achieving the
13 goals in his or her performance agreement. The Sec-
14 retary shall convey the assessment to such official,
15 including identification of any deficiencies that
16 should be remediated before the next progress as-
17 sessment.

18 (4) REVIEW AND RENEGOTIATION.—Each
19 agreement entered into under paragraph (1) shall be
20 subject to review and renegotiation on an annual
21 basis.

22 (5) PERFORMANCE DIVIDENDS.—

23 (A) GENERAL AUTHORITY.—The Secretary
24 may award to the Administrator, and the Ad-
25 ministrators may award to each of the Deputy

1 Administrator, Chief Safety Officer, and Regu-
2 latory Ombudsman, an annual performance div-
3 idend of not to exceed \$15,000.

4 (B) CRITERIA FOR AWARD.—If the Sec-
5 retary finds that the Administrator has, and if
6 the Administrator finds that one or more of the
7 Deputy Administrator, Chief Safety Officer,
8 and Regulatory Ombudsman have, made sub-
9 stantial progress toward meeting the goals of
10 his or her performance agreement, the Sec-
11 retary or Administrator, as the case may be,
12 may award a performance dividend under this
13 paragraph commensurate with such progress.

14 (C) LIMITATION.—Notwithstanding sub-
15 paragraph (A), no performance dividend may be
16 awarded to an official under this paragraph
17 until the Administrator has submitted to the
18 Office of Management and Budget regulations
19 issued, after the date of enactment of this Act,
20 to implement the safety fitness requirements of
21 section 31144 of title 49, United States Code.
22 The Secretary may waive the applicability of
23 the preceding sentence (i) upon a finding of ex-
24 traordinary circumstances, or (ii) for an official

1 who has served in his or her position for less
2 than 365 days.

3 (e) ACHIEVEMENT OF GOALS.—

4 (1) PROGRESS ASSESSMENT.—No less fre-
5 quently than semiannually, the Secretary and the
6 Administrator shall assess the progress of the Ad-
7 ministration toward achieving the strategic goals of
8 subsection (a). The Secretary and the Administrator
9 shall convey their assessment to the employees of the
10 Administration and shall identify any deficiencies
11 that should be remediated before the next progress
12 assessment.

13 (2) BONUS DISTRIBUTION.—In conjunction
14 with the existing performance appraisal process, the
15 Secretary and the Administrator shall award bo-
16 nuses to all employees and officials of the Adminis-
17 tration (other than officials to which subsection (d)
18 applies) if the Secretary and the Administrator de-
19 termine that the performance of the Administration
20 merits the awarding of such bonuses. The Secretary
21 and the Administrator shall determine the size of bo-
22 nuses to be awarded under this paragraph based
23 solely on the performance of the Administration in
24 its entirety and not on the performance of any indi-
25 vidual employee or official.

1 (f) MISCELLANEOUS PROVISIONS.—

2 (1) FUNDING.—The Secretary may use
3 amounts deducted under section 104(a)(1)(B) of
4 title 23, United States Code, to make awards of per-
5 formance dividends and bonuses under this section.

6 (2) RELATIONSHIP TO OTHER LAWS.—The au-
7 thority to award performance dividends and bonuses
8 under this section shall be in addition to any author-
9 ity providing for bonuses or other incentives under
10 title 5, United States Code.

11 (g) REPORT TO CONGRESS.—The Secretary shall re-
12 port annually to Congress the contents of each perform-
13 ance agreement entered into under subsection (d), the offi-
14 cial's performance relative to the goals of the performance
15 agreement, and the performance dividends awarded or not
16 awarded based on the performance of the official. In addi-
17 tion, the Secretary shall report to Congress on the per-
18 formance of the Administration relative to the goals of the
19 motor carrier safety strategy and annual plan under sub-
20 section (a) and the bonuses awarded or not awarded based
21 on the performance of the Administration. The fiscal year
22 2002 annual report shall include an assessment of the ef-
23 fectiveness of the performance dividends and agencywide
24 bonuses in improving the Administration's performance.

1 **SEC. 103. REVENUE ALIGNED BUDGET AUTHORITY.**

2 (a) IN GENERAL.—Chapter 1 of title 23, United
3 States Code, is amended—

4 (1) by redesignating the first section 110, relat-
5 ing to uniform transferability of Federal-aid highway
6 funds, as section 126 and moving and inserting such
7 section after section 125 of such chapter; and

8 (2) in the remaining section 110, relating to
9 revenue aligned budget authority—

10 (A) in subsection (a)(2) by inserting “and
11 the motor carrier safety grant program” after
12 “relief”;

13 (B) in subsection (b)(1)(A)—

14 (i) by inserting “and the motor carrier
15 safety grant program” after “program”;

16 (ii) by striking “title and” and insert-
17 ing “title,”; and

18 (iii) by inserting “, and subchapter I
19 of chapter 311 of title 49” after “21st
20 Century”.

21 (b) CONFORMING AMENDMENT.—The analysis for
22 such chapter is amended—

23 (1) by striking

“110. Uniform transferability of Federal-aid highway funds.”;

1 (2) by inserting after the item relating to sec-
 2 tion 125 the following:

“126. Uniform transferability of Federal-aid highway funds.”;

3 and

4 (3) in the item relating to section 163 by strik-
 5 ing “Sec.”.

6 **SEC. 104. ADDITIONAL FUNDING FOR MOTOR CARRIER**
 7 **SAFETY GRANT PROGRAM.**

8 (a) IN GENERAL.—There shall be available out of the
 9 Highway Trust Fund (other than the Mass Transit Ac-
 10 count) for the Secretary of Transportation to incur obliga-
 11 tions to carry out section 31102 of title 49, United States
 12 Code, \$75,000,000 for each of fiscal years 2000 through
 13 2003.

14 (b) TREATMENT.—Amounts made available by sub-
 15 section (a) of this section shall be treated for purposes
 16 of section 31104 of title 49, United States Code, as being
 17 made available by subsection (a) of such section and shall
 18 be in addition to amounts made available by subsection
 19 (a) of such section and shall be subject to an obligation
 20 limitation separate from any obligation limitation applica-
 21 ble to funds made available by such section.

22 (c) INCREASED AUTHORIZATIONS FOR MOTOR CAR-
 23 RIER SAFETY GRANTS.—

24 (1) IN GENERAL.—Section 4003 of the Trans-
 25 portation Equity Act for the 21st Century (112

1 Stat. 395–398) is amended by adding at the end the
 2 following:

3 “(i) INCREASED AUTHORIZATIONS FOR MOTOR CAR-
 4 RIER SAFETY GRANTS.—The amount made available to
 5 incur obligations to carry out section 31102 of title 49,
 6 United States Code, by section 31104(a) of such title—

7 “(1) for fiscal year 2000 shall be increased by
 8 \$55,000,000; and

9 “(2) for each of fiscal years 2001 through 2003
 10 shall be increased by \$65,000,000.”.

11 (2) CORRESPONDING REDUCTION TO OBLIGA-
 12 TION CEILING.—Section 1102 of such Act (23
 13 U.S.C. 104 note; 112 Stat. 1115–1118) is amended
 14 by adding at the end the following:

15 “(j) REDUCTION IN OBLIGATION CEILING.—The lim-
 16 itation on obligations imposed by subsection (a)—

17 “(1) for fiscal year 2000 shall be reduced by
 18 \$55,000,000; and

19 “(2) for each of fiscal years 2001 through 2003
 20 shall be reduced by \$65,000,000.”.

21 (d) MAINTENANCE OF EFFORT.—The Secretary may
 22 not make, from funds made available by this section (in-
 23 cluding any amendment made by this section), a grant to
 24 a State unless the State first enters into a binding agree-
 25 ment with the Secretary that provides that the total ex-

penditures of amounts of the State and its political subdivisions (not including amounts of the United States) for the development or implementation of programs for improving motor carrier safety and enforcement of regulations, standards, and orders of the United States on commercial motor vehicle safety, hazardous materials transportation safety, and compatible State regulations, standards, and orders will be maintained at a level at least equal to the level of such expenditures for fiscal year 1999.

(e) STATE COMPLIANCE WITH CDL REQUIREMENTS.—

(1) WITHHOLDING OF ALLOCATION FOR NON-COMPLIANCE.—If a State is not in substantial compliance with each requirement of section 31311 of title 49, United States Code, the Secretary shall withhold all amounts that would be allocated, but for this paragraph, to the State from funds made available by this section (including any amendment made by this section).

(2) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—Any funds withheld under paragraph (1) from any State shall remain available until June 30 of the fiscal year for which the funds are authorized to be appropriated.

1 (3) ALLOCATION OF WITHHELD FUNDS AFTER
 2 COMPLIANCE.—If, before the last day of the period
 3 for which funds are withheld under paragraph (1)
 4 from allocation are to remain available for allocation
 5 to a State under paragraph (2), the Secretary deter-
 6 mines that the State is in substantial compliance
 7 with each requirement of section 31311 of title 49,
 8 United States Code, the Secretary shall allocate to
 9 the State the withheld funds.

10 (4) PERIOD OF AVAILABILITY OF SUBSE-
 11 QUENTLY ALLOCATED FUNDS.—Any funds allocated
 12 pursuant to paragraph (3) shall remain available for
 13 expenditure until the last day of the first fiscal year
 14 following the fiscal year in which the funds are so
 15 allocated. Sums not expended at the end of such pe-
 16 riod are released to the Secretary for reallocation.

17 (5) EFFECT OF NONCOMPLIANCE.—If, on June
 18 30 of the fiscal year in which funds are withheld
 19 from allocation under paragraph (1), the State is
 20 not substantially complying with each requirement of
 21 section 31311 of title 49, United States Code, the
 22 funds are released to the Secretary for reallocation.

23 **SEC. 105. MOTOR CARRIER SAFETY ADVISORY COMMITTEE.**

24 (a) ESTABLISHMENT.—The Secretary of Transpor-
 25 tation shall establish in the National Motor Carrier Ad-

1 ministration a motor carrier safety advisory committee to
2 advise, consult with, and make recommendations to the
3 National Motor Carrier Administrator on matters relating
4 to activities and functions of the Administration.

5 (b) COMPOSITION.—The advisory committee shall be
6 composed of representatives of the motor carrier industry,
7 drivers and manufacturers of commercial motor vehicles,
8 employee and safety organizations, enforcement agencies,
9 insurance industry, and the public.

10 (c) TERMINATION DATE.—The advisory committee
11 shall remain in effect until September 30, 2003.

12 **SEC. 106. EFFECTIVE DATE.**

13 (a) IN GENERAL.—This title shall take effect on the
14 date of enactment of this Act; except that the amendments
15 made by section 101 shall take effect on October 1, 2000.

16 (b) IMPLEMENTATION.—

17 (1) AUTHORITY OF SECRETARY.—The Sec-
18 retary of Transportation may take such action as
19 may be necessary before October 1, 2000, to ensure
20 the orderly transfer of duties and powers related to
21 motor carrier safety, and employees carrying out
22 such duties and powers, from the Federal Highway
23 Administration to the National Motor Carrier Ad-
24 ministration.

1 (2) BUDGET SUBMISSIONS.—The President’s
2 budget submission for fiscal year 2001 and each fis-
3 cal year thereafter shall reflect the establishment of
4 the National Motor Carrier Administration in ac-
5 cordance with this Act.

6 **TITLE II—COMMERCIAL MOTOR**
7 **VEHICLE AND DRIVER SAFETY**

8 **SEC. 201. DISQUALIFICATIONS.**

9 (a) DRIVING WHILE DISQUALIFIED AND CAUSING A
10 FATALITY.—

11 (1) FIRST VIOLATION.—Section 31310(b)(1) of
12 title 49, United States Code, is amended—

13 (A) by striking “or” at the end of subpara-
14 graph (B);

15 (B) by striking the period at the end of
16 subparagraph (C) and inserting a semicolon;
17 and

18 (C) by adding at the end the following:

19 “(D) committing a first violation of driving a
20 commercial motor vehicle when the individual’s com-
21 mercial driver’s license is revoked, suspended, or
22 canceled based on the individual’s operation of a
23 commercial motor vehicle or when the individual is
24 disqualified from operating a commercial motor vehi-

1 cle based on the individual's operation of a commer-
2 cial motor vehicle; or

3 “(E) convicted of causing a fatality through
4 negligent or criminal operation of a commercial
5 motor vehicle.”.

6 (2) SECOND AND MULTIPLE VIOLATIONS.—Sec-
7 tion 31310(c)(1) of such title is amended—

8 (A) by striking “or” at the end of subpara-
9 graph (C);

10 (B) by redesignating subparagraph (D) as
11 subparagraph (F);

12 (C) by inserting after subparagraph (C)
13 the following:

14 “(D) committing more than one violation of
15 driving a commercial motor vehicle when the individ-
16 ual's commercial driver's license is revoked, sus-
17 pended, or canceled based on the individual's oper-
18 ation of a commercial motor vehicle or when the in-
19 dividual is disqualified from operating a commercial
20 motor vehicle based on the individual's operation of
21 a commercial motor vehicle;

22 “(E) convicted of more than one offense of
23 causing a fatality through negligent or criminal op-
24 eration of a commercial motor vehicle; or”; and

1 (D) in subparagraph (F) (as redesignated
 2 by subparagraph (B) of this paragraph) by
 3 striking “clauses (A)–(C) of this paragraph”
 4 and inserting “subparagraphs (A) through
 5 (E)”.

6 (3) CONFORMING AMENDMENT.—Section
 7 31301(12)(C) of such title is amended by inserting
 8 “, other than a violation to which section
 9 31310(b)(1)(E) or 31310(c)(1)(E) applies” after “a
 10 fatality”.

11 (b) EMERGENCY DISQUALIFICATION AND NON-
 12 COMMERCIAL MOTOR VEHICLE CONVICTIONS.—Section
 13 31310 of such title is amended—

14 (1) by redesignating subsections (f), (g), and
 15 (h) as subsections (h), (i), and (j), respectively;

16 (2) by inserting after subsection (e) the fol-
 17 lowing:

18 “(f) EMERGENCY DISQUALIFICATION.—

19 “(1) LIMITED DURATION.—The Secretary shall
 20 disqualify an individual from operating a commercial
 21 motor vehicle for not to exceed 30 days if the Sec-
 22 retary determines that allowing the individual to
 23 continue to operate a commercial motor vehicle
 24 would create an imminent hazard (as such term is
 25 defined in section 5102).

1 “(2) AFTER NOTICE AND HEARING.—The Sec-
2 retary shall disqualify an individual from operating
3 a commercial motor vehicle for more than 30 days
4 if the Secretary determines, after notice and an op-
5 portunity for a hearing, that allowing the individual
6 to continue to operate a commercial motor vehicle
7 would create an imminent hazard (as such term is
8 defined in section 5102).

9 “(g) NONCOMMERCIAL MOTOR VEHICLE CONVIC-
10 TIONS.—Not later than 1 year after the date of enactment
11 of this Act, the Secretary shall issue regulations providing
12 for the disqualification by the Secretary from operating
13 a commercial motor vehicle of an individual who holds a
14 commercial driver’s license and who has been convicted of
15 serious offenses involving a motor vehicle other than a
16 commercial motor vehicle. Such regulations shall establish
17 the offenses and minimum periods for which such disquali-
18 fications shall be in effect, but in no case shall the types
19 of disqualifying noncommercial motor vehicle offenses or
20 the time periods for disqualification for noncommercial
21 motor vehicle violations be more stringent than those for
22 offenses or violations involving a commercial motor vehi-
23 cle. The Secretary shall determine such periods based on
24 the seriousness of the offenses on which the convictions
25 are based.”; and

1 (3) in subsection (h) (as redesignated by para-
2 graph (1) of this subsection) by striking “(b)–(e)”
3 each place it appears and inserting “(b) through
4 (g)”.

5 (c) SERIOUS TRAFFIC VIOLATIONS.—Section
6 31301(12) of such title is amended—

7 (1) by striking “and” at the end of subpara-
8 graph (C);

9 (2) by redesignating subparagraph (D) as sub-
10 paragraph (G); and

11 (3) by inserting after subparagraph (C) the fol-
12 lowing:

13 “(D) driving a commercial motor vehicle when
14 the individual has not obtained a commercial driver’s
15 license;

16 “(E) driving a commercial motor vehicle when
17 the individual does not have in his or her possession
18 a commercial driver’s license unless the individual
19 provides, by the date that the individual must ap-
20 pear in court or pay any fine with respect to the ci-
21 tation, to the enforcement authority that issued the
22 citation proof that the individual held a valid com-
23 mercial driver’s license on the date of the citation;

1 “(F) driving a commercial motor vehicle when
2 the individual has not met the minimum testing
3 standards—

4 “(i) under section 31305(a)(3) for the spe-
5 cific class of vehicle the individual is operating;
6 or

7 “(ii) under section 31305(a)(5) for the
8 type of cargo the vehicle is carrying; and”.

9 (d) CONFORMING AMENDMENTS.—Section
10 31305(b)(1) of such title is amended—

11 (1) by striking “to operate the vehicle”; and

12 (2) by inserting before the period at the end “to
13 operate the vehicle and has a commercial driver’s li-
14 cense to operate the vehicle”.

15 **SEC. 202. CDL SCHOOL BUS ENDORSEMENT.**

16 Section 31305(a) of title 49, United States Code, is
17 amended—

18 (1) by striking “and” at the end of paragraph
19 (7);

20 (2) by striking the period at the end of para-
21 graph (8)(B) and inserting “; and”; and

22 (3) by adding at the end the following:

23 “(9) shall prescribe minimum testing standards
24 for the operation of a school bus (that is a vehicle
25 described in section 31301(4)(B)) in a State that

1 elects to issue a commercial driver’s license school
 2 bus endorsement and may prescribe different min-
 3 imum testing standards for different classes of
 4 school buses.”.

5 **SEC. 203. REQUIREMENTS FOR STATE PARTICIPATION.**

6 (a) NOTIFICATION OF STATE OFFICIALS.—Section
 7 31311(a)(9) of title 49, United States Code, is amended—

8 (1) by striking “operating a commercial motor
 9 vehicle”; and

10 (2) by inserting “commercial” before “driver’s
 11 license”.

12 (b) PROVISIONAL LICENSES.—Section 31311(a)(10)
 13 of such title is amended by inserting after “commercial
 14 driver’s license” the following: “(including a provisional or
 15 temporary commercial driver’s license)”.

16 (c) RECORDKEEPING.—Section 31311(a) of such title
 17 is amended by striking paragraph (13) and inserting the
 18 following:

19 “(13) The State shall (A) record in the driving
 20 record of an individual who has a commercial driv-
 21 er’s license issued by the State, and (B) make avail-
 22 able to all authorized persons and governmental en-
 23 tities having access to such record, all information
 24 the State receives under paragraph (9) with respect
 25 to the individual and every conviction by the State

1 of the individual for a violation involving a motor ve-
 2 hicle (including a commercial motor vehicle) of a
 3 State or local law on traffic control (except a park-
 4 ing violation), not later than 10 days after the date
 5 of receipt of such information or the date of such
 6 conviction.”.

7 (d) NONCOMMERCIAL MOTOR VEHICLE CONVIC-
 8 TIONS.—Section 31311(a) of title 49, United States Code,
 9 is amended by adding at the end the following:

10 “(18) The State shall revoke, suspend, or can-
 11 cel, for a period determined in accordance with regu-
 12 lations issued by the Secretary under section
 13 31310(g), the commercial driver’s license of an indi-
 14 vidual who has been convicted of serious offenses in-
 15 volving a motor vehicle other than a commercial
 16 motor vehicle.”.

17 (e) CONFORMING AMENDMENT.—Section
 18 31311(a)(15) of such title is amended by striking “sub-
 19 sections (b)–(e), (g)(1)(A), and (g)(2) of”.

20 **SEC. 204. STATE NONCOMPLIANCE.**

21 (a) IN GENERAL.—Section 31314 of title 49, United
 22 States Code, is amended—

23 (1) in the section heading by striking “**With-**
 24 **holding amounts for**”; and

25 (2) by adding at the end the following:

1 “(d) COMMERCIAL DRIVER’S LICENSES.—

2 “(1) STATE NOT IN SUBSTANTIAL COMPLI-
3 ANCE.—If the Secretary determines that a State is
4 not in substantial compliance with a requirement of
5 section 31311(a), the Secretary shall issue an order
6 declaring that all commercial driver’s licenses issued
7 by the State after the date of the order are not valid
8 and the State may not issue any commercial driver’s
9 licenses after the date of such order.

10 “(2) PREVIOUSLY ISSUED LICENSES.—Nothing
11 in this subsection shall be construed as invalidating
12 or otherwise affecting commercial driver’s licenses
13 issued by a State before the date of issuance of an
14 order under paragraph (1) with respect to the State.

15 “(3) STATE IN SUBSTANTIAL COMPLIANCE.—A
16 State subject to an order under paragraph (1) may
17 not resume issuing commercial driver’s licenses until
18 the Secretary determines that the State is in sub-
19 stantial compliance with all of the requirements of
20 subsection 31311(a).

21 “(4) NONRESIDENT CDLS.—Any State other
22 than a State subject to an order under paragraph
23 (1) shall issue a nonresident commercial driver’s li-
24 cense to any individual domiciled in a State subject
25 to such an order who meets all of the requirements

1 of this chapter and any applicable State licensing re-
 2 quirements.”.

3 (b) CONFORMING AMENDMENT.—The analysis for
 4 chapter 313 of such title is amended by striking the item
 5 relating to section 31314 and inserting the following:

“31314. State noncompliance.”.

6 **SEC. 205. 24-HOUR STAFFING OF TELEPHONE HOTLINE.**

7 Section 4017 of the Transportation Equity Act for
 8 the 21st Century (49 U.S.C. 31143 note; 112 Stat. 413)
 9 is amended—

10 (1) by redesignating subsections (c) and (d) as
 11 subsections (d) and (e), respectively;

12 (2) by inserting after subsection (b) the fol-
 13 lowing:

14 “(c) STAFFING.—The toll-free telephone system shall
 15 be staffed 24 hours a day 7 days a week by individuals
 16 knowledgeable about Federal motor carrier safety regula-
 17 tions and procedures.”; and

18 (3) in subsection (e) (as redesignated by para-
 19 graph (1) of this section) by striking “for each of
 20 fiscal years 1999” and inserting “for fiscal year
 21 1999 and \$375,000 for each of fiscal years 2000”.

22 **SEC. 206. CHECKS BEFORE ISSUANCE OF DRIVER’S LI-**
 23 **CENSES.**

24 Section 30304 of title 49, United States Code, is
 25 amended by adding at the end the following:

1 “(e) DRIVER RECORD INQUIRY.—Before issuing a
2 motor vehicle operator’s license to an individual, a State
3 shall request from the Secretary information from the Na-
4 tional Driver Register under section 30302 and the com-
5 mercial driver’s license information system under section
6 31309 on the individual’s driving record.”.

7 **SEC. 207. BORDER STAFFING STANDARDS.**

8 (a) DEVELOPMENT AND IMPLEMENTATION.—Not
9 later than 1 year after the date of enactment of this Act,
10 the Secretary of Transportation shall develop and imple-
11 ment appropriate staffing standards for Federal and State
12 motor carrier safety inspectors in international border
13 areas.

14 (b) FACTORS TO BE CONSIDERED.—In developing
15 standards under subsection (a), the Secretary shall con-
16 sider volume of traffic, hours of operation of the border
17 facility, types of commercial motor vehicles, types of cargo,
18 delineation of responsibility between Federal and State in-
19 spectors, and such other factors as the Secretary deter-
20 mines appropriate.

21 (c) MAINTENANCE OF EFFORT.—The standards de-
22 veloped and implemented under subsection (a) shall ensure
23 that the United States and each State will not reduce its
24 respective level of staffing of motor carrier safety inspec-

1 tors in international border areas from its average level
2 staffing for fiscal year 2000.

3 (d) BORDER COMMERCIAL MOTOR VEHICLE AND
4 SAFETY ENFORCEMENT PROGRAMS.—

5 (1) ENFORCEMENT.—If, on October 1, 2001,
6 and October 1 of each fiscal year thereafter, the
7 Secretary has not ensured that the levels of staffing
8 required by the standards developed under sub-
9 section (a) are deployed, the Secretary shall des-
10 ignate 5 percent of amounts made available for allo-
11 cation under section 31104(f)(1) of title 49, United
12 States Code, for such fiscal year for States, local
13 governments, and other persons for carrying out
14 border commercial motor vehicle safety programs
15 and enforcement activities and projects.

16 (2) ALLOCATION.—The amounts designated
17 pursuant to this subsection shall be allocated by the
18 Secretary to State agencies, local governments, and
19 other persons that use and train qualified officers
20 and employees in coordination with State motor ve-
21 hicle safety agencies.

22 (3) LIMITATION.—If the Secretary makes a
23 designation pursuant to paragraph (1) for a fiscal
24 year, the Secretary may not make a designation

1 under section 31104(f)(2)(B) of title 49, United
2 States Code, for such fiscal year.

3 **SEC. 208. MINIMUM AND MAXIMUM ASSESSMENTS.**

4 (a) IN GENERAL.—The Secretary of Transportation
5 should ensure that motor carriers operate safely by impos-
6 ing civil penalties at a level calculated to ensure prompt
7 and sustained compliance with Federal motor carrier safe-
8 ty and commercial driver’s license laws.

9 (b) ESTABLISHMENT.—The Secretary—

10 (1) should establish and assess minimum civil
11 penalties for each violation of a law referred to in
12 subsection (a); and

13 (2) shall assess the maximum civil penalty for
14 each violation of a law referred to in subsection (a)
15 by any person who has previously been found to
16 have committed the same violation or a related viola-
17 tion.

18 (c) EXTRAORDINARY CIRCUMSTANCES.—If the Sec-
19 retary determines and documents that extraordinary cir-
20 cumstances exist which merit the assessment of any civil
21 penalty lower than any level established under subsection
22 (b), the Secretary may assess such lower penalty.

23 (d) REPORT TO CONGRESS.—

24 (1) IN GENERAL.—The Secretary shall conduct
25 a study of the effectiveness of the revised civil pen-

1 alties established in the Transportation Equity Act
2 for the 21st Century and this Act in ensuring
3 prompt and sustained compliance with Federal
4 motor carrier safety and commercial driver's license
5 laws.

6 (2) SUBMISSION TO CONGRESS.—The Secretary
7 shall transmit the results of such study and any rec-
8 ommendations to Congress by September 30, 2002.

9 (e) SEMIANNUAL AUDIT BY INSPECTOR GENERAL.—
10 The Inspector General of the Department of Transpor-
11 tation shall conduct a semiannual audit of the National
12 Motor Carrier Administration's enforcement activities, in-
13 cluding an analysis of the number of violations cited by
14 safety inspectors and the level of fines assessed and col-
15 lected for such violations, and of the number of cases in
16 which there are findings of extraordinary circumstances
17 under subsection (c) and the circumstances in which these
18 findings are made and shall promptly submit the results
19 of each such audit to Congress.

20 **SEC. 209. STUDY OF COMMERCIAL MOTOR VEHICLE CRASH**
21 **CAUSATION AND DATA IMPROVEMENT.**

22 (a) OBJECTIVES.—The Secretary of Transportation
23 shall conduct a comprehensive study to determine the
24 causes of, and contributing factors to, crashes that involve
25 commercial motor vehicles. The study shall also identify

1 data requirements and collection procedures, reports, and
2 other measures that will improve the Department of
3 Transportation's and States' ability to—

4 (1) evaluate future crashes involving commer-
5 cial motor vehicles;

6 (2) monitor crash trends and identify causes
7 and contributing factors; and

8 (3) develop effective safety improvement policies
9 and programs.

10 (b) DESIGN.—The study shall be designed to yield
11 information that will help the Department and the States
12 identify activities and other measures likely to lead to sig-
13 nificant reductions in the frequency, severity, and rate per
14 mile traveled of crashes involving commercial motor vehi-
15 cles. As practicable, the study shall rank such activities
16 and measures by the reductions each would likely achieve,
17 if implemented.

18 (c) CONSULTATION.—In designing and conducting
19 the study, the Secretary shall consult with persons with
20 expertise on—

21 (1) crash causation and prevention;

22 (2) commercial motor vehicles, drivers, and car-
23 riers;

24 (3) highways and noncommercial motor vehicles
25 and drivers;

1 (4) Federal and State highway and motor car-
2 rier safety programs;

3 (5) research methods and statistical analysis;
4 and

5 (6) other relevant topics.

6 (d) PUBLIC COMMENT.—The Secretary shall make
7 available for public comment information about the objec-
8 tives, methodology, implementation, findings, and other
9 aspects of the study.

10 (e) REPORT.—The Secretary shall promptly transmit
11 the results of the study, together with any legislative rec-
12 ommendations, to Congress. The Secretary shall review
13 the study at least once every 5 years and update the study
14 and report as necessary.

15 (f) DATA IMPROVEMENTS.—Based on the findings of
16 the study, the Secretary shall work with the States, and
17 other appropriate entities, to standardize crash data re-
18 quirements, collection procedures, and reports.

19 (g) ELIGIBILITY.—Notwithstanding section
20 104(a)(4) of title 23, United States Code, activities under
21 this section shall be eligible for funding under section
22 104(a) of such title and may be carried out by any entity
23 within the Department that the Secretary designates.